

REMARKS

I. Status of the Claims

Claims 1-67 were filed with the application. Claims 1-41 and 54-67 stand withdrawn pursuant to a restriction requirement. Claims 42-53 are pending, under examination, and stand rejected under 35 U.S.C, §103 over Landegren *et al.* in view of Hoang *et al.* The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

II. Rejection under 35 U.S.C. §103

Claims 42-53 are pending, under examination, and stand rejected under 35 U.S.C, §103 over Landegren *et al.* in view of Hoang *et al.* Landegren is cited as teaching methods of assaying nucleic acids for possible mutation at a target nucleotide. Hoang is cited as teaching chromosomal mapping of the KIFC3 gene within the BBS2 locus. The examiner posits that it would have been obvious to combine these to references, and thereby render the present claims obvious. Applicants traverse.

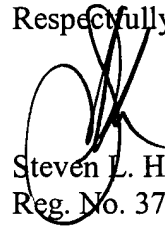
Applicants are at a loss to understand the rejection. The present claims are drawn to diagnosing BBS by detecting mutations in a NGVN polypeptide. Neither Landegren nor Hoang mention this molecule. Thus, as a matter of law, the rejection is improper in failing to teach a specific limitation of the claim. Moreover, the examiner has offered no scientific basis to connect NGVN with BBS – not surprisingly, since this is the present inventors' contribution.

Thus, in light of the clear deficiency in the rejection, applicants respectfully request reconsideration and withdrawal of the rejection.

III. Conclusion

In light of the foregoing, applicant respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. The Examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: October 27, 2004